

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN KING,

Defendant.

Case No. 3:18-cr-00011-HDM-WGC

ORDER

On August 2, 2019, the defendant filed a motion to vacate his plea agreement due to new Supreme Court authority. (ECF No. 41). On August 15, 2019, the court appointed the Office of the Federal Public Defender for the District of Nevada to represent defendant for the limited purpose of determining whether there was a basis for the defendant to seek relief under *Rehaif v. United States*, - U.S. -, 139 S. Ct. 2191 (June 21, 2019).

On January 21, 2020, appointed counsel filed a notice indicating that the defendant did not wish to pursue a claim for relief pursuant to *Rehaif*. (ECF No. 46).

On March 31, 2020, the court deemed the defendant's motion withdrawn to the extent it sought relief under *Rehaif*. Because it was unclear whether the defendant's intent to withdraw his motion applied to the entire motion or to only the *Rehaif* claims, the court ordered that it would deem the remainder of the motion

1 withdrawn unless the defendant, on or before April 30, 2020,
2 advised that would like the court to construe the remainder of his
3 motion under § 2255 and address any non-*Rehaif* claims contained
4 therein.

5 The defendant has not advised the court that he wishes to
6 proceed with the remainder of his motion, and the time for doing
7 so has expired. Accordingly, IT IS HEREBY ORDERED that the
8 defendant's motion to vacate (ECF No. 41) is deemed to be WITHDRAWN
9 in its entirety.

10 IT IS SO ORDERED.

11 DATED: This 7th day of May, 2020.

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14 UNITED STATES DISTRICT JUDGE